



Sen. Pamela J. Althoff

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1 AMENDMENT TO HOUSE BILL 668

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 668 on page 1, by  
3 replacing lines 4 and 5 with the following:

4 "Section 5. The Public Officer Prohibited Activities Act is  
5 amended by changing Section 1 as follows:

6 (50 ILCS 105/1) (from Ch. 102, par. 1)

7 Sec. 1. County board. No member of a county board, during  
8 the term of office for which he or she is elected, may be  
9 appointed to, accept, or hold any office other than (i)  
10 chairman of the county board or member of the regional planning  
11 commission by appointment or election of the board of which he  
12 or she is a member, ~~or~~ (ii) alderman of a city or member of the  
13 board of trustees of a village or incorporated town if the  
14 city, village, or incorporated town has fewer than 1,000  
15 inhabitants and is located in a county having fewer than 50,000  
16 inhabitants, or (iii) trustee of a forest preserve district  
17 created under Section 18.5 of the Conservation District Act,  
18 unless he or she first resigns from the office of county board  
19 member or unless the holding of another office is authorized by  
20 law. Any such prohibited appointment or election is void. This  
21 Section shall not preclude a member of the county board from  
22 being selected or from serving as a member of a County  
23 Extension Board as provided in Section 7 of the County  
24 Cooperative Extension Law, as a member of an Emergency

1 Telephone System Board as provided in Section 15.4 of the  
2 Emergency Telephone System Act, or as appointed members of the  
3 board of review as provided in Section 6-30 of the Property Tax  
4 Code. Nothing in this Act shall be construed to prohibit an  
5 elected county official from holding elected office in another  
6 unit of local government so long as there is no contractual  
7 relationship between the county and the other unit of local  
8 government. This amendatory Act of 1995 is declarative of  
9 existing law and is not a new enactment.

10 (Source: P.A. 91-732, eff. 1-1-01; 92-111, eff. 1-1-02.)

11 Section 10. The Conservation District Act is amended by  
12 changing Sections 5, 13, and 15 and by adding Section 18.5 as  
13 follows:"; and

14 on page 7, immediately below line 6, by inserting the  
15 following:

16 "(70 ILCS 410/18.5 new)

17 Sec. 18.5. Dissolution of conservation district and  
18 creation of forest preserve district.

19 (a) Notwithstanding any provision of law to the contrary,  
20 if the boundaries of a conservation district are coextensive  
21 with the boundaries of one county, then the county board may  
22 adopt a resolution to submit the question of whether the  
23 conservation district shall be dissolved and, upon the  
24 dissolution of the conservation district, a forest preserve  
25 district created. The question shall be submitted to the  
26 electors of the conservation district at a regular election and  
27 approved by a majority of the electors voting on the question.  
28 The county board must certify the question to the proper  
29 election authorities, which must submit the question at an  
30 election in accordance with the Election Code.

31 The election authorities must submit the question in

1 substantially the following form:

2 Shall the (insert name of conservation district) be  
3 dissolved and, upon its dissolution, a forest preserve  
4 district created with boundaries that are coextensive with  
5 the boundaries of (insert name of county)?

6 The election authorities must record the votes as "Yes" or  
7 "No".

8 If a majority of the electors voting on the question vote  
9 in the affirmative, then, on the thirtieth day after the  
10 results of the referendum are certified, the conservation  
11 district is dissolved and the forest preserve district is  
12 created. The terms of all trustees of the conservation district  
13 are terminated and the county board members shall serve ex  
14 officio as the commissioners of the forest preserve district.  
15 The chairman of the county board shall serve as chairman of the  
16 board of commissioners of the forest preserve district.

17 (b) Each county board member shall serve ex officio as a  
18 commissioner of the forest preserve district until the  
19 expiration of his or her term as a county board member or until  
20 the member's position on the county board is otherwise vacated.  
21 Upon the expiration of the term of any county board member  
22 serving as a commissioner or upon the occurrence of any other  
23 vacancy on the county board, the office of commissioner shall  
24 be filled by that county board member's successor on the county  
25 board.

26 (c) The forest preserve district shall serve as the  
27 successor entity to the dissolved conservation district and  
28 references to the dissolved conservation district or to its  
29 officers or employees in any document, contract, agreement, or  
30 law shall, in appropriate contexts, be deemed to refer to the  
31 successor forest preserve district. Thirty days after the  
32 dissolution of the conservation district, all of its assets,  
33 liabilities, property (both real and personal), employees,  
34 books, and records are transferred to the forest preserve

1 district by operation of law. All rules and ordinances of the  
2 dissolved conservation district shall remain in effect as rules  
3 and ordinances of the forest preserve district until amended or  
4 repealed by the forest preserve district.

5 (d) If there are any bonds of the conservation district  
6 outstanding and unpaid at the time the conservation district is  
7 dissolved, the forest preserve district shall be liable for  
8 that bond indebtedness and the forest preserve district may  
9 continue to levy and extend taxes upon the taxable property in  
10 that territory for the purpose of amortizing those bonds until  
11 such time as the bonds are retired.

12 (e) The county board members may be reimbursed for their  
13 reasonable expenses actually incurred in performing their  
14 official duties as members of the board of commissioners of the  
15 forest preserve district in accordance with the provisions of  
16 Section 3a of the Downstate Forest Preserve Act. Any  
17 reimbursement paid under this subsection shall be paid by the  
18 forest preserve district.

19 (f) A forest preserve district created under this Section  
20 shall have the same powers, duties, and authority as a forest  
21 preserve district created under the Downstate Forest Preserve  
22 District Act, except that it shall have the same bonding and  
23 taxing authority as a conservation district under the  
24 Conservation District Act. To the extent that any provision of  
25 this Section conflicts with any provision of the Downstate  
26 Forest Preserve District Act, this Section controls.

27 Section 15. The Downstate Forest Preserve District Act  
28 is amended by changing Sections 3c, 13 and 13.1 and by adding  
29 Section 13.1a as follows:

30 (70 ILCS 805/3c)

31 Sec. 3c. Elected board of commissioners in certain  
32 counties. If the boundaries of a district are co-extensive with

1 the boundaries of a county having a population of more than  
2 800,000 but less than 3,000,000, all commissioners of the  
3 forest preserve district shall be elected from the same  
4 districts as members of the county board beginning with the  
5 general election held in 2002 and each succeeding general  
6 election. One commissioner shall be elected from each district.  
7 At their first meeting after their election in 2002 and  
8 following each subsequent decennial reapportionment of the  
9 county under Division 2-3 of the Counties Code, the elected  
10 commissioners shall publicly by lot divide themselves into 2  
11 groups, as equal in size as possible. Commissioners from the  
12 first group shall serve for terms of 2, 4, and 4 years; and  
13 commissioners from the second group shall serve terms of 4, 4,  
14 and 2 years. Beginning with the general election in 2002, the  
15 president of the board of commissioners of the forest preserve  
16 district shall be elected by the voters of the county, rather  
17 than by the commissioners. The president shall be a resident of  
18 the county and shall be elected throughout the county for a  
19 4-year term without having been first elected as commissioner  
20 of the forest preserve district. Each commissioner shall be a  
21 resident of the county board district from which he or she was  
22 elected not later than the date of the commencement of the term  
23 of office. The term of office for the president and  
24 commissioners elected under this Section shall commence on the  
25 first Monday of the month following the month of election.  
26 Neither a commissioner nor the president of the board of  
27 commissioners of that forest preserve district shall serve  
28 simultaneously as member or chairman of the county board. No  
29 person shall seek election to both the forest preserve  
30 commission and the county board at the same election. The  
31 compensation for the president shall be an amount equal to 85%  
32 of the annual salary of the county board chairman. The  
33 president, with the advice and consent of the board of  
34 commissioners shall appoint a secretary, treasurer, and such

1 other officers as deemed necessary by the board of  
2 commissioners, which officers need not be members of the board  
3 of commissioners. The president shall have the powers and  
4 duties as specified in Section 12 of this Act.

5 Candidates for president and commissioner shall be  
6 candidates of established political parties.

7 If a vacancy in the office of president or commissioner  
8 occurs, other than by expiration of the president's or  
9 commissioner's term, the forest preserve district board of  
10 commissioners shall declare that a vacancy exists and  
11 notification of the vacancy shall be given to the county  
12 central committee of each established political party within 3  
13 business days after the occurrence of the vacancy. If the  
14 vacancy occurs in the office of forest preserve district  
15 commissioner, the president of the board of commissioners  
16 shall, within 60 days after the date of the vacancy, with the  
17 advice and consent of other commissioners then serving, appoint  
18 a person to serve for the remainder of the unexpired term. The  
19 appointee shall be affiliated with the same political party as  
20 the commissioner in whose office the vacancy occurred and be a  
21 resident of such district. If a vacancy in the office of  
22 president occurs, other than by expiration of the president's  
23 term, the remaining members of the board of commissioners  
24 shall, within 60 days after the vacancy, appoint one of the  
25 commissioners to serve as president for the remainder of the  
26 unexpired term. In that case, the office of the commissioner  
27 who is appointed to serve as president shall be deemed vacant  
28 and shall be filled within 60 days by appointment of the  
29 president with the advice and consent of the other forest  
30 preserve district commissioners. The commissioner who is  
31 appointed to fill a vacancy in the office of president shall be  
32 affiliated with the same political party as the person who  
33 occupied the office of president prior to the vacancy. A person  
34 appointed to fill a vacancy in the office of president or

1 commissioner shall establish his or her party affiliation by  
2 his or her record of voting in primary elections or by holding  
3 or having held an office in an established political party  
4 organization before the appointment. If the appointee has not  
5 voted in a party primary election or is not holding or has not  
6 held an office in an established political party organization  
7 before the appointment, the appointee shall establish his or  
8 her political party affiliation by his or her record of  
9 participating in an established political party's nomination  
10 or election caucus. If, however, more than 28 months remain in  
11 the unexpired term of a commissioner or the president, the  
12 appointment shall be until the next general election, at which  
13 time the vacated office of commissioner or president shall be  
14 filled by election for the remainder of the term.  
15 Notwithstanding any law to the contrary, if a vacancy occurs  
16 after the last day provided in Section 7-12 of the Election  
17 Code for filing nomination papers for the office of president  
18 of a forest preserve district where that office is elected as  
19 provided for in this Section, or as set forth in Section 7-61  
20 of the Election Code, a vacancy in nomination shall be filled  
21 by the passage of a resolution by the nominating committee of  
22 the affected political party within the time periods specified  
23 in the Election Code. The nominating committee shall consist of  
24 the chairman of the county central committee and the township  
25 chairmen of the affected political party. All other vacancies  
26 in nomination shall be filled in accordance with the provisions  
27 of the Election Code.

28 The president and commissioners elected under this Section  
29 may be reimbursed for their reasonable expenses actually  
30 incurred in performing their official duties under this Act in  
31 accordance with the provisions of Section 3a. The reimbursement  
32 paid under this Section shall be paid by the forest preserve  
33 district.

34 Compensation for forest preserve commissioners elected

1 under this Section shall be the same as that of county board  
2 members of the county with which the forest preserve district's  
3 boundaries are co-extensive.

4 This Section does not apply to a forest preserve district  
5 created under Section 18.5 of the Conservation District Act.

6 (Source: P.A. 91-933, eff. 12-30-00; 92-583, eff. 6-26-02.)

7 (70 ILCS 805/13) (from Ch. 96 1/2, par. 6323)

8 Sec. 13. Bonds; limitation on indebtedness. The board of  
9 any forest preserve district organized hereunder may, for any  
10 of the purposes enumerated in this Act, borrow money upon the  
11 faith and credit of such district, and may issue bonds  
12 therefor. However, a district with a population of less than  
13 3,000,000 may not become indebted in any manner or for any  
14 purpose to an amount including existing indebtedness in the  
15 aggregate exceeding 2.3% of the assessed value of the taxable  
16 property therein, as ascertained by the last equalized  
17 assessment for State and county purposes. No district may incur  
18 (i) indebtedness in excess of .3% of the assessed value of  
19 taxable property in the district, as ascertained by the last  
20 equalized assessment for State and county purposes, for the  
21 development of forest preserve lands held by the district, or  
22 (ii) indebtedness for any other purpose except the acquisition  
23 of land including acquiring lands in fee simple along or  
24 enclosing water courses, drainage ways, lakes, ponds, planned  
25 impoundments or elsewhere which are required to store flood  
26 waters or control other drainage and water conditions necessary  
27 for the preservation and management of the water resources of  
28 the District, unless the proposition to issue bonds or  
29 otherwise incur indebtedness is certified by the board to the  
30 proper election officials who shall submit the proposition at  
31 an election in accordance with the general election law, and  
32 approved by a majority of those voting upon the proposition. No  
33 district containing fewer than 3,000,000 inhabitants may incur

1 indebtedness for the acquisition of land or lands for any  
2 purpose in excess of 55,000 acres, including all lands  
3 theretofore acquired, unless the proposition to issue bonds or  
4 otherwise incur indebtedness is first submitted to the voters  
5 of the district at a referendum in accordance with the general  
6 election law and approved by a majority of those voting upon  
7 the proposition. Before or at the time of issuing bonds, the  
8 board shall provide by ordinance for the collection of an  
9 annual tax sufficient to pay the interest on the bonds as it  
10 falls due, and to pay the bonds as they mature. All bonds  
11 issued by any forest preserve district must be divided into  
12 series, the first of which matures not later than 5 years after  
13 the date of issue and the last of which matures not later than  
14 20 years after the date of issue.

15 This Section does not apply to a forest preserve district  
16 created under Section 18.5 of the Conservation District Act.

17 (Source: P.A. 83-927.)

18 (70 ILCS 805/13.1) (from Ch. 96 1/2, par. 6324)

19 Sec. 13.1. Tax levies. After the first Monday in October  
20 and by the first Monday in December in each year, the board  
21 shall levy the general taxes for the district by general  
22 categories for the next fiscal year. A certified copy of the  
23 levy ordinance shall be filed with the county clerk by the last  
24 Tuesday in December each year.

25 In forest preserve districts with a population of less than  
26 3,000,000, the amount of taxes levied for general corporate  
27 purposes for a fiscal year may not exceed the rate of .06% of  
28 the value, as equalized or assessed by the Department of  
29 Revenue, of the taxable property therein. In addition, in  
30 forest preserve districts having a population of 100,000 or  
31 more but less than 3,000,000, the board may levy taxes for  
32 constructing, restoring reconditioning, reconstructing and  
33 acquiring improvements and for the development of the forests

1 and lands of such district, the amount of which tax each fiscal  
2 year shall be extended at a rate not to exceed .025% of the  
3 assessed value of all taxable property as equalized by the  
4 Department of Revenue.

5 All such taxes and rates are exclusive of the taxes  
6 required for the payment of the principal of and interest on  
7 bonds, and exclusive of taxes levied for employees' annuity and  
8 benefit purposes.

9 The rate of tax levied for general corporate purposes in a  
10 forest preserve district may not be increased by virtue of this  
11 amendatory Act of 1977 unless the board first adopts a  
12 resolution authorizing such increase and publishes notice  
13 thereof in a newspaper having general circulation in the  
14 district at least once not less than 45 days prior to the  
15 effective date of the increase. The notice shall include a  
16 statement of (1) the specific number of voters required to sign  
17 a petition requesting that the question of the adoption of the  
18 resolution be submitted to the electors of the district; (2)  
19 the time in which the petition must be filed; and (3) the date  
20 of the prospective referendum. The Secretary of the district  
21 shall provide a petition form to any individual requesting one.  
22 If, no later than 30 days after the publication of such notice,  
23 petitions signed by voters of the district equal to 10% or more  
24 of the registered voters of the district, as determined by  
25 reference to the number of voters registered at the next  
26 preceding general election, and residing in the district are  
27 presented to the board expressing opposition to the increase,  
28 the proposition must first be certified by the board to the  
29 proper election officials, who shall submit the proposition to  
30 the legal voters of the district at an election in accordance  
31 with the general election law and approved by a majority of  
32 those voting on the proposition.

33 The rate of the tax levied for general corporate purposes  
34 in a forest preserve district may be increased, up to the

1 maximum rate identified in this Section, by the Board by a  
2 resolution calling for the submission of the question of  
3 increasing the rate to the voters of the district in accordance  
4 with the general election law. The question must be in  
5 substantially the following form:

6 "Shall (name of district) be authorized to establish  
7 its general corporate tax rate at (insert rate) on the  
8 equalized assessed value on taxable property located  
9 within the district for its general purposes, including  
10 education, outdoor recreation, maintenance, operations,  
11 public safety at the forest preserves, trails, and other  
12 properties of the district (and, optionally, insert any  
13 other lawful purposes or programs determined by the Board).

14 The ballot must have printed on it, but not as part of the  
15 proposition submitted, the following: "The approximate impact  
16 of the proposed increase on the owner of a single-family home  
17 having a market value of (insert value) would be (insert  
18 amount) in the first year of the increase if the increase is  
19 fully implemented." The ballot may have printed on it, but not  
20 as part of the proposition, one or both of the following: "The  
21 last tax rate extended for the purposes of the district was  
22 (insert rate). The last rate increase approved for the purposes  
23 of the district was in (insert year)." No other information  
24 needs to be included on the ballot.

25 The votes must be recorded as "Yes" or "No".

26 If a majority of the electors voting on the question vote  
27 in the affirmative, the district may thereafter levy the tax.

28 This Section does not apply to a forest preserve district  
29 established under Section 18.5 of the Conservation District  
30 Act.

31 (Source: P.A. 92-103, eff. 7-20-01.)

32 (70 ILCS 805/13.1a new)

33 Sec. 13.1a. Forest preserve districts created under

1 Conservation District Act. Notwithstanding any other provision  
2 of law to the contrary, a forest preserve district created  
3 under Section 18.5 of the Conservation District Act shall have  
4 the same powers, duties, and authority as a forest preserve  
5 district created under this Act, except that it shall have the  
6 same bonding and taxing authority as a conservation district  
7 under the Conservation District Act."